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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,664	03/31/2006	TsuneYuki Kikuchi	M1909.1144	7638
32173 7590 09/30/2008 DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714				
EXAMINER MEHRPOUR, NAGHMEH				
ART UNIT 2617		PAPER NUMBER		
MAIL DATE 09/30/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,664

Applicant(s)

KIKUCHI, TSUNEYUKI

Examiner

MELODY MEHRPOUR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed reference listed in the information Disclosure Submitted on 03/31/06 have been considered by the examiner (see attached PTO-1449

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-26**, are rejected under 35 U.S.C. 102(e) as being anticipated by Mazzara (US publication 2003/0087643 A1).

Regarding claims 1, 10, 11, 26, Mazzara teaches a wireless line sharing network system in a mobile communication network system capable of a plurality of communications at licensed radio frequencies, comprising:
a plurality of user terminals that subscribe to a plurality of communication carriers, respectively (0024, 0025, 0026);

a plurality of wireless base stations capable of communicating with the respective user terminals at the radio frequencies (0025, 0026);

a control station for controlling the wireless base stations and connecting each of the user terminals to a corresponding communication carrier network (0041); and

a call acceptance controller for, when there is a request for call connection to a user terminal, accepting the call as well as reserving bandwidth in response to the call connection request based on at least carrier band information indicating radio bandwidth allocation patterns defined by the respective communication carriers on a contract and carrier use condition information indicating the current use conditions of the bandwidth of the respective communication carriers (0033, 0036, 0037). Mazzara inherently teaches updating the carrier use condition information (0009, 0010, 0011).

Regarding claims 2, 19, Mazzara teaches a wireless line sharing network system as claimed in claim 1, wherein the call acceptance controller updates the bandwidth reserved by using licensed band information of a communication carrier network corresponding to the user terminal concerning the call connection request (0035).

Regarding claim 3, Mazzara teaches a wireless line sharing network system as claimed in claim 1, further comprising a bandwidth determination means for determining bandwidth for the call connection request based on bandwidth commonly indicated in user support band information of the user terminal contained in the call connection request, licensed band information of a corresponding communication

carrier network concerning the call connection request and carrier support band information on predetermined bands supported by the respective communication carriers with respect to each service (0041, 0042,).

Regarding claims 4, 12, 20, Mazzara teaches a wireless line sharing network system wherein the bandwidth determination means includes:

a bandwidth list generation means for generating a list of at least one selectable bandwidth based on the user support band information, the licensed band information and the carrier support band information (0124, 00146, 0148); and

a determination means for selecting bandwidth from the bandwidth list in descending order, and determining the selected bandwidth as bandwidth for the call connection request when the selected bandwidth is not greater than idle bandwidth obtained from the carrier use condition information (0093, 0148) .

Regarding claims 5, 13, 21, Mazzara teaches a wireless line sharing network system comprising:

a bandwidth change means for sequentially changing bandwidths allocated to call connected user terminals so that the used bandwidth of each of the communication carriers is in a predetermined range based on at least the carrier band information, the carrier use condition information and user use condition information indicating the current use conditions of the call connected ones of the user terminals (0006, 0009, 0011, 0015, 0017, 0018).

Regarding claims 6, 14, 22, Mazzara teaches a wireless line sharing network system further comprising a bandwidth change means for sequentially selecting call connected user terminals in descending order of bandwidths allocated to the user terminals based on user use condition information, and changing the bandwidth allocated to the call connected user terminal so that the used bandwidth of each of the communication carriers is in a predetermined range according to the bandwidth list corresponding to the selected user terminal (0006, 0009, 0010, 0041, 0048).

Regarding claims 7, 15, 23, Mazzara teaches a network system as claimed in claim 1, further comprising a mediator controller for, in the case where bandwidth cannot be reserved for the call connection request, mediating between a communication carrier with insufficient bandwidth and a communication carrier with excess bandwidth based on the carrier band information and the carrier use condition information so that the communication carrier with excess bandwidth leases idle bandwidth to the communication carrier with insufficient bandwidth (0042, 0043).

Regarding claims 8, 16, 24, Mazzara teaches a network system as claimed in claim 1, further comprising a mediator controller for, in the case where the use of radio bandwidth exceeds the predetermined percentage of the radio bandwidth defined by contract in a communication carrier, mediating between the communication carrier with insufficient bandwidth and a communication carrier with excess bandwidth so

that the communication carrier with excess bandwidth leases idle bandwidth to the communication carrier with insufficient bandwidth (0041, 0042, 0043, 0048).

Regarding claims 9, 17, 25, Mazzara teaches a network system as claimed in claim 1, further comprising an accounting controller for charging each of the communication carriers based on the lease agreement concluded with the carrier (0006, 0010, 0011).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stanforth et al. (US Publication 2008/0221951 A1) disclose method and method for policing spectrum usage

Auckland et al. (US Publication 2003/0078037 A1) disclose methodology for portable wireless devices allowing autonomous roaming across multiple cellular air interface standard and frequencies

6. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913.

The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached (571) 272-7023.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naghmeh Mehrpour/

Primary Examiner, Art Unit 2617

September 25, 2008